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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/773,253

02/09/2004

Kota Yoshikawa

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06/28/2004

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WASHINGTON, DC 20036

EXAMINER

GARRETT, DAWN L

ART UNIT

PAPER NUMBER

1774

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*He*

# Office Action Summary

Application No.

10/773,253

Applicant(s)

YOSHIKAWA ET AL.

Examiner

Dawn Garrett

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1774

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-13 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,10,11 and 23 is/are allowed.
- 6) ☒ Claim(s) 12,13 and 22 is/are rejected.
- 7) ☒ Claim(s) 4,5,7-9 and 16-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/842,228.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-9-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This application is a divisional of application 09/842,228, now abandoned. The preliminary amendment to the specification is acknowledged and has been entered. Claims 1, 5, 11- 13, and 22 were amended. Claim 23 was added. Claims 2, 3, 6, 14, and 15 are cancelled. Claims 1, 4, 5, 7-13, and 16-23 are pending.

#### ***Claim Objections***

2. Claims 4, 5, 7-9, and 16-21 are objected to because of the following informalities:
- a. In claim 4, the word “or” should be inserted immediately before “cyclohexylphenyl group”.
  - b. In claims 7, 16, 17, 19, and 20, “allylene” should be changed to “arylene” for consistency in terms with the other claims and in order to use a more commonly known and understood term.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is not seen where the specification sets forth the term "aniline except benzene". Especially it is not seen where the specification sets forth the word "aniline" or further excludes "benzene" from the group of "aniline". Accordingly, the phrase is considered to be new matter.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 12, 13 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In claim 12, the term "aniline except benzene" is not understood. It is not clear if the term means an aniline group minus the benzene part of the aniline group or if applicants consider benzene as part of the aniline genus and are setting forth a negative limitation. Clarification and/or correction are required.

8. Claim 22 depends upon claim 14, which is now a cancelled claim. Dependence upon a cancelled claim renders the claim indefinite. It is suggested that "14," be deleted from claim 22.

#### ***Allowable Subject Matter***

9. Claims 1, 10, 11, and 23 are allowed. Claims 4, 5, 7-9, and 16-21 contain allowable subject matter, but are objected to for minor informalities or depend upon a claim objected to for minor informalities. Claim 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. The closest prior art is considered to be "Optical Properties of Poly(2,5-dialkoxy-*p*-phenylenebutadiynylene)", Japanese Journal of Applied Physics, Part 2: Letters, 38(4A), pages L406-L409, (1999) [cited by applicants on their IDS and in the parent application]. The Japanese journal article discloses EL devices comprising the structure ITO electrode/PDAPB/MgIn electrode (see second full paragraph, second column, page L 406). The PDAPB compound is somewhat similar to the instant luminous materials in that the polymer comprises an aryl group attached to two groups of carbons triple bonded to each other. The Japanese journal article fails to disclose the very specific luminous materials set forth in the present claims.

#### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is 571-272-1523. The examiner can normally be reached Monday through Friday during normal business hours. Please allow the examiner twenty-four hours to return your call.

If reasonable attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached at 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAWN GARRETT  
EXAMINER  
ART UNIT 1774

D.G.

June 23, 2004